



**DEPARTMENT OF
BUILDING AND DEVELOPMENT
STAFF REPORT**

Date of Hearing: March 12, 2014

13

BOARD OF SUPERVISORS PUBLIC HEARING

SUBJECT: **ZOAM 2013-0008, Bed And Breakfast, Country Inn, and Banquet/Event Facility Zoning Ordinance Amendment**

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: At the Pleasure of the Board

STAFF CONTACTS: Mark Depo, Planner, Zoning Administration
Nicole C.E. Dozier, Zoning Administrator
Mike Seigfried, Acting Director, Building and Development

APPLICANT: Loudoun County Board of Supervisors

PURPOSE: The purpose of this application is to amend the Revised 1993 Loudoun County Zoning Ordinance (the "Zoning Ordinance") to Establish the Bed and Breakfast Homestay Use; Create Additional Regulations ("Standards") for the Bed and Breakfast Homestay; Rename the Bed and Breakfast Use to the Bed and Breakfast Inn; Revise Standards for the Bed and Breakfast (Inn); Revise the Standards for the Country Inn and Banquet/Event Facility Uses; and Revise the Standards for Special Events, Sketch Plan, and Road Access Standards. The amendment is a continuation of the County's efforts to encourage additional economic development opportunities and proposes revisions recommended by Stakeholders/Public during the Package 1 amendments.

RECOMMENDATIONS:

At the February 4, 2014 work session, the Loudoun County Planning Commission voted 8-0-1 (Ruedisueli absent) to forward ZOAM 2013-0008 to the Board of Supervisors with a recommendation of approval, based upon the draft text dated October 30, 2013, as contained in the Planning Commission's November 19, 2013 public hearing Staff Report and as further amended at the January 23, 2014 and February 4, 2014 Planning Commission work sessions, as provided in Attachment 1.

Staff concurs with a majority of the Planning Commission recommendations. However, Staff recommends further discussion of the issues identified in the Issues section of the Staff Report.

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SUGGESTED MOTIONS:

1. I move that the Board of Supervisors forward ZOAM-2013-0008, Bed And Breakfast, Country Inn, and Banquet/Event Facility Zoning Ordinance Amendment, to the Transportation and Land Use Committee Meeting for further discussion.

OR

2. I move that the Board of Supervisors forward ZOAM 2013-0008, Bed And Breakfast, Country Inn, and Banquet/Event Facility Zoning Ordinance Amendment, to the April 2, 2014 **Board of Supervisors Business Meeting** for action.

OR

- 3a. I move that the Board of Supervisors **suspend the rules**.

AND

- 3b. I move that the Board of Supervisors **approve** ZOAM 2013-0008, Bed And Breakfast, Country Inn, and Banquet/Event Facility Zoning Ordinance Amendment, as set forth in Attachment 1 of the Staff Report for the March 12, 2014 Board of Supervisors Public Hearing.

OR

4. I move an alternate motion.

I. EXECUTIVE SUMMARY

Pursuant to a Resolution of Intent to Amend, adopted by the Board of Supervisors ("Board") on October 16, 2013 [Attachment 2], a Zoning Ordinance Amendment (ZOAM 2013-0008) to the Revised 1993 Loudoun County Zoning Ordinance (the "Zoning Ordinance") is proposed to Establish the Bed and Breakfast Homestay Use; Create Standards for the Bed and Breakfast Homestay; Rename the Bed and Breakfast Use to the Bed and Breakfast Inn; Revise Standards for the Bed and Breakfast (Inn); Revise the Standards for the Country Inn (no Restaurant and with Restaurant) and Banquet/Event Facility Uses; and Revise the Standards for Special Events, Sketch Plan, and Road Access Standards.

ZOAM 2013-0008 currently proposes amendments to the following sections of the Zoning Ordinance:

Section 2-100, AR-1, *Agricultural Rural-1*
Section 2-200, AR-2, *Agricultural Rural-2*
Section 2-300, A-10, *Agriculture*
Section 2-400, A-3, *Agricultural Residential*

Section 2-500, *CR-1, Countryside Residential-1*
Section 2-600, *CR-2, Countryside Residential-2*
Section 2-700, *CR-3, Countryside Residential-3*
Section 2-800, *CR-4, Countryside Residential-4*
Section 2-900, *RC, Rural Commercial*
Section 2-1000, *JLMA-1, Joint Land Management Area-1*
Section 2-1100, *JLMA-2, Joint Land Management Area-2*
Section 2-1200, *JLMA-3, Joint Land Management Area-3*
Section 2-1300, *JLMA-20, Joint Land Management Area-20*
Section 2-1400, *TR-10, Transitional Residential - 10*
Section 2-1500, *TR-3, Transitional Residential-3*
Section 2-1600, *TR-2, Transitional Residential - 2*
Section 2-1700, *TR-1, Transitional Residential - 1*
Section 3-100, *R-1, Single Family Residential*
Section 3-200, *R-2, Single Family Residential*
Section 4-900, *PD-CV, Planned Development – Countryside Village*
Section 4-1200, *PD-RV, Planned Development - Rural Village*
Section 4-1350 *PD-MUB, Planned Development-Mixed Use Business*
Section 5-500 *Temporary Uses/Zoning Permits*
Section 5-600, *Additional Regulations for Specific Uses*
Section 5-1100, *Off-Street Parking and Loading Requirements*
Section 6-700, *Site Plan Review*
Article 8, *Definitions*

The current draft text of ZOAM 2013-0008 is included as Attachment 1.

II. BACKGROUND

In 2012, a group of interested stakeholders from a variety of professional organizations (the “Stakeholders”) met with Department of Planning and Zoning Administration staff several times to discuss changes to the Zoning Ordinance that would encourage economic development. The Stakeholders identified over 250 issues they felt hindered business activity and/or impeded economic development, and subsequently, generated 14 topic areas of amendments intended to make the Zoning Ordinance more business-friendly. The Stakeholders requested these amendments be acted on by the Board of Supervisors prior to the end of 2012. On July 17, 2012, the Board grouped the 14 topic areas into three separate “packages” of amendments based on economic development impact and the amount of research necessary to fully address each topic to proceed sequentially.

At the January 2, 2013 Business Meeting, the Board voted 8-0-1 (Clarke absent for the vote) to direct Staff to proceed with the revisions to the amendments labeled as “Package 2” as proposed by the Transportation Land Use Committee (“TLUC”) and to prepare future Resolutions of Intent to Amend as work proceeded on the various amendments. The amendments labeled as “Package 1” (ZOAM 2012-0002) were approved on January 16, 2013 by a vote of 8-0-1 (Reid absent for the vote) with an effective date of February 1, 2013. At the January 16, 2013 Business Meeting, the Board also voted 8-0-1 (Reid absent for the vote) to amend the Package

2 amendments to include: 1) adding data centers to the Zoning Ordinance (ZOAM-2013-0003); 2) reclassifying certain special exception (SPEX) uses to permitted uses in the commercial and industrial districts (ZOAM-2013-0004); 3) revising the standards for bed and breakfasts (ZOAM-2013-0008); and 4) additional amendments to the CLI zoning district (ZOAM-2013-0007).

The Board forwarded ZOAM 2013-0008 to the Zoning Ordinance Action Group ("ZOAG"), a Board appointed committee established to review zoning ordinance amendments, for review and recommendation. On January 9, 2013, the ZOAG created the Bed and Breakfast ("B&B") Sub-Committee, to review three main issues associated with B&B type uses: 1) cost and approval process, 2) performance standards, and 3) streamlining the process. The B&B Sub-Committee, including Zoning Administration staff, held its first meeting on February 20, 2013. Due to the commonality between B&B type uses and the Country Inn and Banquet/Event Facility uses, the B&B Sub-Committee recommended that both the Country Inn and Banquet/Event Facility uses be added to ZOAM 2013-0008.

Following several subsequent meetings during which the B&B Sub-Committee discussed in detail the hierarchy of B&B type uses, the number of private parties acceptable for such facilities to host, and appropriate Additional Regulations, such as minimum lot size, setbacks and road access, the B&B Sub-Committee forwarded its recommendations to the ZOAG in order to gain input and comments from the ZOAG at their July 10, 2013, and September 11, 2013, meetings. The ZOAG supported the B&B Sub-Committee's recommendations. Several of the ZOAG's recommendations were incorporated into ZOAM 2013-0008.

ZOAM 2013-0008, represents a portion of the Package 2 zoning ordinance amendments and proposes to: 1) Establish a new "Bed and Breakfast Homestay" use, with appropriate Additional Regulations and definition; 2) Rename the existing use "Bed and Breakfast" as "Bed and Breakfast Inn," and revise associated Additional Regulations; 3) Revise the Additional Regulations for the use "Country Inn" (no restaurant and with restaurant); 4) Revise the Additional Regulations for the use "Banquet/Event Facility;" 5) Revise the Temporary Uses/Zoning Permits regulations in regard to B&B type uses; and 6) Revise Site Plan/Sketch Plan requirements for B&B type uses. ZOAM 2013-0008 will apply countywide for properties subject to the Zoning Ordinance.

On October 16, 2013, the Board of Supervisors adopted a Resolution of Intent to Amend the Zoning Ordinance to implement ZOAM 2013-0008. The Planning Commission held a public hearing on November 19, 2013, and held work sessions on January 23, 2014 and February 4, 2014. On February 4, 2014 the Planning Commission voted 8-0-1 (Ruedisueli absent) to recommend approval of ZOAM 2013-0008 with the Planning Commission proposed amendments. A summary of the Planning Commission's review and recommendations is included in Section IV, below.

III. APPLICABILITY

ZOAM-2013-0008 will apply to properties zoned under the Revised 1993 Loudoun County Zoning Ordinance.

IV. SUMMARY OF PROPOSED TEXT CHANGES

Staff has developed the following summary of the changes proposed by ZOAM 2013-0008 which are organized by the following topic areas: A) Bed and Breakfast Homestay; B) Bed and Breakfast Inn; C) Country Inn; D) Banquet/Event Facility; E) Temporary Uses/Zoning Permits; F) Road Access Standards; and G) Site Plan Review (Sketch Plan). Staff notes that the Resolution of Intent to Amend is broad enough to allow the Planning Commission and/or the Board of Supervisors certain flexibility to revise, add or delete uses and make changes to requirements that may be different from the current draft text [Attachment 1].

A. BED AND BREAKFAST HOMESTAY

- Establish Additional Regulations in Section 5-601 for the Bed and Breakfast Homestay use.
- Establish an Article 8 definition for the Bed and Breakfast Homestay use.
- Confirm a Bed and Breakfast Homestay as an existing Permitted use in the A-10, A-3, CR-1, CR-2, JLMA-1, JLMA-2, JLMA-3, TR-10, TR-3, TR-2, TR-1, R-1, R-2, PD-CV, and PD-RV zoning districts.
- Add Bed and Breakfast Homestay as a new permitted use in the AR-1, AR-2, RC, and JLMA-20 zoning districts.
- Require the owner of the premises to reside in and manage the Bed and Breakfast Homestay.
- Permit 1-3 guest rooms.
- Comply with landscaping and screening standards of Section 5-653(A) to screen outside private party areas, regardless the size of the adjacent property.
- Comply with parking and loading standards of Section 5-1102.
- Comply with exterior lighting standards of Section 5-652(A)(2)-(3).
- Allow a maximum of 10 attendees (including overnight guests) at private parties, daily.
- Allow 10 private parties for greater than 10 attendees (including overnight guests) per calendar year, pursuant to Section 5-500(C) Special Events.
- Allow the hours for outdoor music (private parties) to be permitted between 7:00 AM and 12:00 AM (midnight), all days of the week.
- Access from a publicly maintained roadway is not required.
- Standards may be modified through the Minor Special Exception process upon Board of Supervisors reviewing individual property.

B. BED AND BREAKFAST INN

- Revise the name of the existing use “Bed and Breakfast” to “Bed and Breakfast Inn”
- Revise the “Bed and Breakfast” definition in Article 8 to “Bed and Breakfast Inn”.
- Reclassify Bed and Breakfast (Inn) from a Special Exception use to a Permitted use in the A-10, A-3, TR-10, TR-3, and PD-CV (Village Core) zoning districts.
- Reclassify Bed and Breakfast Inn from a Special Exception use to a Minor Special Exception use in the CR-1, CR-2, CR-3, JLMA-1, JLMA-2, JLMA-3, TR-2, TR-1, R-1, and R-2 zoning districts.

- Confirm a Bed and Breakfast Inn as an existing Permitted use in the AR-1, AR-2, PD-CV, and PD-RV zoning districts.
- Add Bed and Breakfast Inn as a new Permitted use in JLMA-20 zoning district and as a new Minor Special Exception use in RC zoning district.
- Require the owner/manager to provide full-time management of the Bed and Breakfast Inn. An owner/manager may live on the premises. *Matches the current regulation.*
- Permit 1-10 guest rooms. *Currently, 3-10 guest rooms are permitted.*
- Require a minimum lot size of 5 acres. *Currently, 3-7 guest rooms require a minimum lot size of 5 acres and 8-10 guest rooms require a minimum lot size of 10 acres.*
- Require a setback of 100 feet for parking and the Bed and Breakfast use and 200 feet (100' adjacent to commercial) for outside private party areas.
- Comply with landscaping and screening standards of Section 5-653(A) to screen outside private party areas, regardless the size of the adjacent property. *Currently, the use is subject to Section 5-653(A).*
- Comply with parking and loading standards of Section 5-1102. *Matches the current regulation.*
- Comply with exterior lighting standards of Section 5-652(A)(1)-(3). *Matches the current regulation.*
- Allow a maximum of 25 daily attendees (including overnight guests) at private parties. *Currently, the number of attendees is based on the sleeping capacity of the facility.*
- Allow 15 private parties for greater than 25 attendees up to 150 attendees (including overnight guests) per calendar year. *Currently, 10 private parties exceeding the sleeping capacity of the facility are allowed per calendar year.*
- No time period separation between private parties. *Currently, a 14 day separation is required between private parties.*
- Annual permit for private parties exceeding the daily 25 attendees. *Currently, a permit, pursuant to Section 5-500(C) Special Events, is required for each private party.*
- Expand the hours for outdoor music (private parties) to be permitted between 7:00 AM and 12:00 AM (midnight), all days of the week. *Currently, no outdoor music is permitted between 11 PM and 10 AM Friday, Saturday, or proceeding a Loudoun County holiday and between 10 PM and 10 AM Sunday to Thursday.*
- Access from a publicly maintained roadway is not required.
- Amend Section 6-700 Site Plan to allow Bed and Breakfast Inn to be permitted with a Sketch Plan instead of a site plan for disturbance of up to 5,000 square feet.
- Additional Regulations may be modified through the Minor Special Exception process upon Board of Supervisors reviewing individual property.

C. COUNTRY INN

- Reclassify a Country Inn (no Restaurant) from a Special Exception Use to a Minor Special Exception use in the A-10, A-3, CR-1, CR-2, CR-3, CR-4, JLMA-3, TR-10, and TR-3 zoning districts.
- Confirm Country Inn (no Restaurant) as a Permitted use in the AR-1, AR-2, and PD-RV zoning districts.
- Add Country Inn (no Restaurant) as a new Minor Special Exception use in the JLMA-20 and RC zoning districts.

- Add Country Inn with Restaurant as a new Minor Special Exception use in the AR-1, AR-2, and PD-RV zoning districts and as a new Special Exception use in the A-10, A-3, CR-1, CR-2, CR-3, CR-4, RC, JLMA-3, JLMA-20, TR-10, and TR-3 zoning districts.
- Require the owner/manager to provide full-time management of the Country Inn. *Matches the current regulation.*
- Reduce the maximum number of guest rooms permitted from 4-40 to 1-30 guest rooms.
- Reduce the minimum lot size from 25 acres to 20 acres.
- Require a setback of 100 feet for parking and the Country Inn use and 200 feet (100' adjacent to commercial) for outside private party areas. *Currently, the requirement is 250 feet (100' adjacent to commercial) for use, private party areas and parking.*
- Comply with landscaping and screening standards of Section 5-653(A) to screen outside private party areas, regardless the size of the adjacent property. *Currently, the use is subject to Section 5-653(A).*
- Comply with parking and loading standards of Section 5-1102. *Matches the current regulation.*
- Comply with exterior lighting standards of Section 5-652(A)(1)-(3). *Currently, subject to 5-652(A)(1)-(4).*
- Allow a maximum of 50 daily attendees (including overnight guests) at private parties. *Currently, the number of attendees is based on the sleeping capacity of the facility.*
- Allow 15 private parties for greater than 50 attendees up to 200 attendees (including overnight guests) per calendar year. *Currently, 10 private parties exceeding the sleeping capacity of the facility are allowed per calendar year.*
- No time period separation between private parties. *Currently, a 14 day separation is required between private parties.*
- Expand the hours for outdoor music (private parties) to be permitted between 7:00 AM and 12:00 AM (midnight), all days of the week. *Currently, no outdoor music is permitted between 11 PM and 10 AM Friday, Saturday, or proceeding a Loudoun County holiday and between 10 PM and 10 AM Sunday to Thursday.*
- Annual permit for private parties exceeding the daily 50 attendees. *Currently, a permit, pursuant to Section 5-500(C) Special Events, is required for each private party.*
- Access from a publicly maintained roadway is not required.
- Additional Regulations may be modified through the Minor Special Exception process upon Board of Supervisors reviewing individual property.

D. BANQUET/EVENT FACILITY

- Confirm a Banquet/Event Facility as a Minor Special Exception in the AR-1, AR-2 zoning districts and as a Permitted use in the PD-MUB zoning district.
- Add Banquet/Event Facility as a new Minor Special Exception use in the A-10, A-3, CR-1, CR-2, CR-3, CR-4, RC, JLMA-3, JLMA-20, TR-10, and TR-3 zoning districts.
- Reduce the minimum lot size from 25 acres to 20 acres.
- Require a setback of 100 feet for parking and the Country Inn use and 200 feet (100' adjacent to commercial) for outside private party areas. *Currently, the requirement is 200 feet for the use and 500 feet for outdoor areas and parking.*
- Comply with landscaping and screening standards of Section 5-653(A) to screen outside private party areas, regardless the size of the adjacent property. *Currently, the*

use is subject to Section 5-653(A).

- Comply with parking and loading standards of Section 5-1102. *Matches the current regulation.*
- Comply with exterior lighting standards of Section 5-652(A)(1)-(3). *Matches the current regulation.*
- Allows for multiple events/parties – number of events/parties established at site plan or special exception review.
- No time period separation between private parties. *Matches the current regulation.*
- Expand the hours for outdoor music (private parties) to be permitted between 7:00 AM and 12:00 AM (midnight), all days of the week. *Currently, no outdoor music is allowed after 11 PM and the hours of operation for the Banquet/Event Facility use is limited to 9 AM to 12 (midnight).*
- No additional permits necessary for events/parties.
- Access from a publicly maintained roadway is not required.
- Additional Regulations may be modified through the Minor Special Exception process upon Board of Supervisors reviewing individual property.

E. TEMPORARY USES/ZONING PERMITS

- Amends Section 5-500(C), Special Events, to allow Special Events within JLMA zoning districts.

F. ROAD ACCESS STANDARDS

- Amend Section 5-654, Road Access Standards for Specific Uses, from an “Average Generated Daily Vehicle Trips (VTD)” standard to a “Maximum Vehicles Per Day (VPD)” standard.

G. SITE PLAN REVIEW (Sketch Plan)

- Amend Section 6-700, Sketch Plan, to add Bed and Breakfast Inn with Sketch Plan rather than site plan (Rural Economy Site Plan) for land disturbance of less than 5,000 square feet.

Attachment 4 summarizes the zoning districts, reclassification (level of review) and Additional Regulations for the Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn and Banquet/Event Facility uses.

V. REFERRAL COMMENTS

The following is a summary of the comments received in response to the request for referral comments sent on September 20, 2013.

ZONING ORDINANCE ACTION GROUP (ZOAG) [Attachment 3a]

The ZOAG acted as a referral agent for ZOAM 2013-0008 and formed the B&B Sub-Committee to review the draft text and provide recommendations. The B&B Sub-Committee proposed several amendments that have been incorporated into the current draft text. [Attachment 1] ZOAG and Staff concur on the majority of changes proposed by ZOAM 2013-0008, however, there were seven issues (Daily Private Parties, Yearly Private Parties, Setbacks, Screening/Buffering, Roads/Access, Reclassification or Designation of Minor Special Exception Uses, and Reclassification of Banquet/Event Facility in AR-1 and AR-2 Zoning District from Minor Special Exception Use to Permitted Use) where Staff and ZOAG do not concur, as explained in the November 19, 2013 Planning Commission Public Hearing Staff Report (see Section VI; Attachment 3a, ZOAG Issues; and Attachment 5, Issues Matrix).

COUNTY/STATE AGENCIES

ZOAM 2013-0008 was sent to the following referral agencies for comments: Building and Development (B&D), Engineering; B&D, Environmental Review Team; B&D, Planning; B&D Zoning Permits; County Attorney's Office; Department of Economic Development; Department of Planning, Community Planning; Department of Planning, Land Use Review; Transportation and Capital Infrastructure, Transportation; Virginia Department of Transportation (VDOT); Health Department; Fire and Rescue; and Zoning Ordinance Action Group (ZOAG). A summary of the referral comments received follows.

BUILDING AND DEVELOPMENT (B&D), ENGINEERING [Attachment 3b]

No objections to ZOAM 2013-0008.

PLANNING, COMMUNITY PLANNING [Attachment 3c]

The Department of Planning has the following concerns.

- Minor Special Exception vs. Special Exception Applications. Staff does not support the proposal to allow Bed and Breakfast Inn and Country Inn by Minor Special Exception in the majority of the zoning districts. Staff finds that the current provisions of the Zoning Ordinance which permit Bed and Breakfast (Inn) and Country Inn by Special Exception provide the most thorough review process allowing the Planning Commission the ability to provide its recommendations and address public concerns through the legislative process.

Additionally the proposed amendments would permit Banquet/Event Facility by Minor Special Exception in the A-10, A-3, JLMA-20, TR-10, TR-3 and PD-RV zoning districts.

- Country Inn and Banquet/Event Facility Road Access. Staff supports requiring a Country Inn and Banquet/Event Facility to be accessed by paved public roads due to the

anticipated higher trip generation associated with the use.

TRANSPORTATION AND CAPITAL INFRASTRUCTURE [Attachment 3d]

The Department of Transportation and Capital Infrastructure (DTCI) has the following concerns.

- DTCI cannot support the proposed change to allow private parties for up to 15 events per calendar year with up to 200 attendees at each event, as proposed by ZOAG through issuance of a single annual permit without a discretionary review and approval process, as is currently afforded to the Zoning Administrator under Section 5-500(C). DTCI is concerned with the intense trip-generating of the private parties permitted with access from an unpaved road, the widely varying physical characteristics and conditions of unpaved roads in the County, and that approval for private parties (special events) can currently be granted under Section 5- 500(C) of the Zoning Ordinance. DTCI recommends that such events be permitted only through a process such as is currently in place, or through approval of a Special Exception.
- DTCI cannot support the proposal by ZOAG to allow Country Inns and Banquet/Event Facilities on unpaved roads, regardless of the size of the use. DTCI supports Staff's proposed text to allow Country Inns and Banquet/Event Facilities only on paved public roads, as the intensity and resulting higher traffic volumes generated by such uses, including delivery and service vehicles, can only be accommodated on such roadways.
- Banquet/Event Facilities are similar to Country Inns with Restaurants with respect to intensity of the use and resulting trip generation. As such, DTCI recommends that Banquet/Event Facilities be classified as Special Exception uses in all zoning districts in order to allow for site-specific review of impacts based on the scale and the intensity of the use.
- Section 5-654, Road Access Standards for Specific Uses, is referenced in several of the Zoning Ordinance sections to which changes are proposed. As such, DTCI reviewed Section 5-654 and recommends amending Section 5-654 from an "Average Generated Daily Vehicle Trips (VTD)" standard to a "Maximum Vehicles Per Day (VPD)" standard.

LOUDOUN COUNTY HEALTH DEPARTMENT

The definition of which B&B type uses are exempt from the State Food Code is below. By this definition a "Bed & Breakfast Inn" with more than 6 guest rooms would not be exempt and be required to have a kitchen that meets all the requirements of the State Food Code.

"A bed-and-breakfast operation that prepares and offers food only to guests if the home is owner occupied, the number of available guest bedrooms does not exceed six, breakfast is the only meal offered, the number of guests served does not exceed 18, and the consumer is informed by statements contained in published advertisements, mailed

brochures, and placards posted at the registration area that the food is prepared in a kitchen that is, by these regulations, exempt from this chapter.”

FIRE AND RESCUE

The Fire and Rescue Planning Staff concurs with Planning, Community Planning and Transportation and Capital Infrastructure comments and it is equally concerned with changes to current process that will allow facilities to host events by right or without the opportunity to thoroughly review the proposal through a legislative process. Staff is concerned about the increased amount of traffic that the events would generate. We would not be able to evaluate the adequacy of travel ways (width and conditions) providing access to the facility. Not just access and circulation of emergency vehicles to the facility is a concern, but also, some of the facilities we have reviewed in the past are not able to support two-way traffic creating a potential dangerous situation during an emergency as we are trying to access the facility while staff and guests are trying to exit.

Availability of water for firefighting purposes is a concern and for an “existing” facility permitting seems a lot easier to obtain which is also a concern. We won’t know the conditions of said facilities or if they have fire protection equipment installed. Lack of fire protection systems and water for firefighting purposes is of significant concern based on previous experiences and some documented incidents in nearby jurisdictions. While, Staff appreciates the need for the facilities as Loudoun County grows to be an event destination, public safety cannot be compromised in order to achieve this goal. Therefore Fire and Rescue cannot support any changes to the current Zoning regulations that would allow these facilities to be established or increase the number of events on “existing” facilities without the opportunity to adequately review their proposal and provide recommendations to endure the safety of all involved.

VI. PLANNING COMMISSION REVIEW AND RECOMMENDATION

The Planning Commission held a public hearing on ZOAM 2013-0008 on November 19, 2013. There were 6 members of the public that spoke at the hearing. The speakers included representatives of the ZOAG, Visit Loudoun, and the B&B industry operators. At the conclusion of the public hearing, the Planning Commission voted to forward the subject amendment to a work session for further discussion (9-0-0).

The Planning Commission held two (2) work sessions on ZOAM 2013-0008. At the January 23, 2014 work session, the Planning Commission reviewed the Issues Matrix and the Planning Commission’s request for information from the November 19, 2013 Planning Commission public hearing. The Planning Commission’s discussion focused primarily on the outstanding issues of the Issues Matrix as discussed in the January 17, 2014 Memorandum to the Planning Commission. The Planning Commission’s recommendations are as follows:

1. Reclassification or Designation of Minor Special Exception Use

- Supported the 11/19/2013 draft text to reclassify Bed and Breakfast Inn from a Special

Exception use to a Minor Special Exception use in the CR-1, CR-2, CR-3, JLMA-3, JLMA-2, JLMA-1, R-1, R-2, TR-1, and TR-2 zoning districts.

- Supported the 11/19/2013 draft text to add Bed and Breakfast Inn to the RC zoning district as a Minor Special Exception use.
- Supported the 11/19/2013 draft text to reclassify Country Inn from a Special Exception use to a Minor Special Exception use in the A-10, A-3, CR-1, CR-2, CR-3, CR-4, JLMA-3, TR-10, and TR-3 zoning districts.
- Supported the 11/19/2013 draft text to add Country Inn in the RC and JLMA-20 zoning districts as a Minor Special Exception use.
- Supported the 11/19/2013 draft text to add Banquet/Event Facility in the A-10, A-3, JLMA-20, TR-10, TR-3, and PD-RV zoning districts as a Minor Special Exception use.

2. Reclassification of Banquet/Event Facility in AR-1 and AR-2 Zoning District from Minor Special Exception Use to Permitted Use

- Revised the 11/19/2013 draft text to reclassify the Banquet/Event Facility use from a Permitted use to a Minor Special Exception use in the AR-1 and AR-2 zoning districts. This decision maintains the current requirement of a Banquet/Event Facility use as a Minor Special Exception use in the AR-1 and AR-2 zoning districts which is also consistent with the existing and proposed legislative review requirements for a Country Inn with restaurant in the AR-1 and AR-2 zoning districts.

3. Daily Private Parties

- Supported the 11/19/2013 draft text allowing 10 daily attendees, including overnight guests, for the Bed and Breakfast Homestay use.
- Supported the 11/19/2013 draft text allowing 25 daily attendees, including overnight guests, for the Bed and Breakfast Inn use.
- Supported the 11/19/2013 draft text allowing 50 daily attendees, including overnight guests, for the Country Inn use.

4. Yearly Private Parties

- Supported the 11/19/2013 draft text allowing 10 private parties, in accordance to Section 5-500(C) Special Events, for a Bed and Breakfast Homestay use.
- Revised the 11/19/2013 draft text to allow private parties of more than 25 attendees to be held “15 times per calendar year” as opposed to “10 times per calendar year” for a Bed and Breakfast Inn use.
- Supported the 11/19/2013 draft text to allow private parties of more than 25 attendees up to a maximum of 150 attendees, including overnight guests, for a Bed and Breakfast Inn use.
- Revised the 11/19/2013 draft text to allow private parties of more than 50 attendees to be held “15 times per calendar year” as opposed to “10 times per calendar year” for a Country Inn use.

- Revised the 11/19/2013 draft text to allow private parties of more than 50 attendees up to a maximum of “200 attendees” as opposed to “150 attendees”, including overnight guests, for a Country Inn use.

5. Setbacks

- Revised the 11/19/2013 draft text setback standards for the Bed and Breakfast Inn use and parking to 100 feet from all lot lines and outside private party areas to 200 feet from all lot lines or 100 feet from a lot line of a property having a commercial zoning district.
- Revised the 11/19/2013 draft text setback standards for the Country Inn use and parking to 100 feet from all lot lines and outside private party areas to 200 feet from all lot lines or 100 feet from a lot line of a property having a commercial zoning district.
- Revised the 11/19/2013 draft text setback standards for Banquet/Event Facility use and parking to 100 feet from all lot lines and outside private party areas to 200 feet from all lot lines or 100 feet from a lot line of a property having a commercial zoning district.

6. Landscaping/Screening/Buffering

- Revised the 11/19/2013 draft text to require landscaping and screening standards of Section 5-653(A) to screen the “outside private party areas” as opposed to “private party areas” from adjacent properties, regardless the size of the adjacent property for the Bed and Breakfast Homestay and Bed and Breakfast Inn uses.
- Revised the 11/19/2013 draft text to require landscaping and screening standards of Section 5-653(A) to screen the “outside private party areas from adjacent properties” as opposed to “the use”, regardless the size of the adjacent property for the Country Inn use.
- Supported the 11/19/2013 draft text to require landscaping and screening standards of Section 5-653(A) to screen the Banquet/Event Facility use.
- Revised the 11/19/2013 draft text to require that “new driveways providing access” as opposed to “driveways” shall not be located within a required buffer yard area for the Bed and Breakfast Inn and Country Inn uses.

7. Roads/Access

- Supported the 11/19/2013 draft text Roads/Access standards for a Bed and Breakfast Homestay.
- Revised the 11/19/2013 draft text to eliminate the requirements that “entrances from and exits to publicly maintained roads shall provide safe ingress and egress” from the Bed and Breakfast Inn, Country Inn, and Banquet/Event Facility uses.
- Revised the 11/19/2013 draft text to state for any Country Inn or Banquet/Event Facility “that is not located on a publicly maintained road, documentation shall be provided to the Zoning Administrator demonstrating that the easement may be used to support the establishment” as opposed to a Country Inn or Banquet/Event Facility “shall be located on a paved publicly maintained road”.

During its January 23, 2014 work session, the Planning Commission requested that Staff review: 1) the noise standards for the Bed and Breakfast Homestay, Bed and Breakfast Inn, and Country Inn; and 2) an exemption for individual historic properties. At the February 4, 2014 work session, the Planning Commission reaffirmed its recommendations from the January 23, 2014 work session and reviewed and discussed the two additional topics regarding noise standards and individual historic property exemption, as follows:

8. Noise Standards

- Revised the hours of operation, including outside private parties, for a Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, and Banquet/Event Facility to 7 am and 12 am (midnight) from the existing and recommended standard of “no outdoor music between 11 pm and 10 am on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, and between 10 pm and 10 am on Sunday through Thursday.”

9. Historic Properties Exemption

- Supported the current and proposed regulations regarding exemptions for Historic Site District or Historic and Cultural Conservation District for Bed and Breakfast Homestay, Bed and Breakfast Inn, and Country Inn.

VII. ISSUES

Staff has identified the following issues [Attachment 6] for the Board of Supervisors consideration:

1. Reclassification or Designation of Minor Special Exception Use

Proposed Text. The current draft text of ZOAM 2013-0008 proposes to (1) reclassify Bed and Breakfast (Inn) from a Special Exception use to a Minor Special Exception use in the CR-1, CR-2, CR-3, JLMA-3, JLMA-2, JLMA-1, R-1, R-2, TR-1, and TR-2 zoning districts and to add Bed and Breakfast Inn to the RC zoning district as a Minor Special Exception; (2) reclassify Country Inn from a Special Exception use to a Minor Special Exception use in the A-10, A-3, CR-1, CR-2, CR-3, CR-4, JLMA-3, TR-10, and TR-3 zoning districts and to add a Country Inn in the RC and JLMA-20 zoning districts as a Minor Special Exception use; and (3) to add Banquet/Event Facility in the A-10, A-3, JLMA-20, TR-10, TR-3, and PD-RV zoning districts as a Minor Special Exception use.

Planning Commission Recommendation. The Planning Commission supported the revisions proposed by the 11/19/2013 draft text of the Minor Special Exception use classification and process for the Bed and Breakfast Inn, Country Inn, and Banquet/Event Facility, as discussed above. The Planning Commission’s recommendations are consistent with the ZOAG’s supported draft text.

Staff Recommendation. Several Referral Agencies indicated concerns with a number of zoning districts proposed to permit Bed and Breakfast Inn, Country Inn or Banquet/Event Facility by Minor Special Exception rather than by Special Exception. Although Staff acknowledges that the Minor Special Exception process would provide a more expedited timeframe, with applications going directly before the Board of Supervisors for Public Hearing, and bypassing review by the Planning Commission, many issues which otherwise would have been resolved through deliberations by the Planning Commission may remain outstanding and place an extra burden on the Board of Supervisors. Often adjacent property owners have concerns with noise, traffic, lighting, as well as the provision of adequate landscaping and buffering to mitigate the impact of these types of uses on their properties and the surrounding area. In these instances Staff is required to work in conjunction with the applicant to address compatibility issues. However, not all issues identified by the public may be addressed, particularly if the applicant is seeking modifications to the Additional Regulations, such as reduced setbacks, or buffering requirements, which require further analysis and consideration due to the complexity of the application.

2. Private Parties

Existing Regulations. Currently, hosting private parties (weddings, receptions, private parties, meetings, and similar activities) at a Bed and Breakfast or Country Inn in excess of the maximum sleeping capacity of the facility may be held up to 10 times per year with a minimum of 14 days between private parties. Each private party requires a temporary zoning (special event) permit in accordance with Section 5-500(C). Additional private parties, above the 10 allowed, may be held in accordance with Section 5-642, Banquet/Event Facility, with the approval of a Minor Special Exception.

Planning Commission Recommendation. The Planning Commission recommended increasing the number of private parties from 10, as initially proposed with the 11/19/2014 draft text, to 15 per calendar year for a Bed and Breakfast Inn and Country Inn. The Planning Commission supported a maximum of 150 attendees at a Bed and Breakfast Inn and recommended increasing the number of maximum attendees for a Country Inn from 150 (proposed with the 11/19/2013 draft text) to 200. The Planning Commission supported the elimination of the 14 day period between private parties and a single zoning permit application/process. The Planning Commission's recommendations are consistent with the ZOAG's supported draft text. The current draft text of ZOAM 2013-0008 [Attachment 1] has been revised to reflect the Planning Commission recommendations.

Staff Recommendation. Staff does not support the increase to 15 private parties per year without some level of public/neighbor review and comment that would occur during a minor special exception or special exception application. Staff also has concerns with the additional 200+ trips generated for each private party, the adequacy of the road system to handle the additional traffic generated; the noise, sound, traffic, and light impact to adjacent neighbors and to a development/community; and the impact to

well/septic systems to support up to 150 or 200 attendees per private party, that would occur without proper review and input.

Staff does not support 15 private parties per year as an accessory function of a Bed and Breakfast or Country Inn use. It has been determined and applied in practice that 10 such private parties is accessory to a Bed and Breakfast and Country Inn. To exceed 10 private parties per year is no longer considered accessory, but is considered a separate principal use, such as a Banquet/Event Facility. The limitation on the number of private parties as an accessory use is further established with the allowance of a property to host no more than 10 Special Events per calendar year, pursuant to Section 5-500(C) and the issuance of a Temporary Zoning Permit. Temporary Zoning Permits for Special Events are permitted within the Rural and Transitional Residential Zoning Districts; nonresidential Suburban or Planned Development Zoning Districts; and residential Suburban or Planned Development Zoning Districts that contain at least 2 acres.

If the Board supports the 15 events per year, Staff recommends including the current language which would require additional private parties, above the 15 allowed, in accordance with Section 5-642, Banquet/Event Facility, with the approval of a Minor Special Exception. This would allow for public input and provide for a more thorough review process to address possible concerns on a case by case basis.

3. Setbacks

Existing Regulations/Proposed Text. A summary of the existing and proposed setbacks is included within Table 1 (Existing/Proposed Setbacks) below:

Table 1: Existing/Proposed Setbacks

Existing			11/19/2013 Public Hearing Draft Text	Planning Commission Proposed Text
Use	Minimum Setback	Use	Minimum Setback	
Bed and Breakfast	Equivalent to the zoning district setback requirements.	Bed and Breakfast Homestay	Equivalent to the zoning district setback requirements.	Equivalent to the zoning district setback requirements.
		Bed and Breakfast Inn	Private party areas, not located within the principal structure, shall be setback 200 feet from all lot lines or 100 feet from a lot line of an adjacent commercial use.	The use and parking shall be setback 100 feet from all lot lines. Outside private party areas shall be setback 200 feet from all lot lines or 100 feet from a lot line of a property having a commercial zoning district or use.

Existing			11/19/2013 Public Hearing Draft Text	Planning Commission Proposed Text
Use	Minimum Setback	Use	Minimum Setback	
Country Inn	Minimum required yard setback of 250 feet from all lot lines or 100 feet from a lot line of an adjacent commercial use	Country Inn	Use, parking and private party areas shall be setback 250 feet minimum from all lot lines or 100 feet from a lot line of an adjacent commercial use.	The use and parking shall be setback 100 feet from all lot lines. Outside private party areas shall be setback 200 feet from all lot lines or 100 feet from a lot line of a property having a commercial zoning district or use.
Banquet/ Event Facility	Minimum setback of 200 feet from lot lines and a setback of 500 feet from all property lines for outdoor areas and parking. The Board may increase outdoor area setback.	Banquet/ Event Facility	Use shall be setback 200 feet from lot lines. Outdoor areas and parking shall be setback 300 feet from all property lines. The Board may increase outdoor area setback.	The use and parking shall be setback 100 feet from all lot lines. Outside private party areas shall be setback 200 feet from all lot lines or 100 feet from a lot line of a property having a commercial zoning district or use.

Planning Commission Recommendation. The Planning Commission recommended revising the setback standards proposed with the 11/19/2013 draft text for the Bed and Breakfast Inn, Country Inn and Banquet/Event Facility uses as provided in Table 1 and Table 2, above. The Planning Commission recommendations are consistent with the ZOAG's supported draft text. The current draft text [Attachment 1] has been revised to reflect the Planning Commission recommendations.

Staff Recommendation. Staff does not support the reduction in setbacks for either the Country Inn or Banquet/Event Facility uses, particularly the setbacks for the outdoor private party areas and activities as it relates to noise. Examples of typical noise sources and their respective noise levels are: 1) Residential Area at Night – 40 dB(A) (Quiet); 2) Quiet Restaurant – 50 dB(A) (Noisy); 3) Department Store – 60 dB(A) (Noisy); 4) Curbside of a Busy Street at 15 feet – 80 dB(A) (Noisy); 5) Pneumatic Hammer at 6 feet or Outdoor Event Band/Music Speaker at 3 feet – 100dBA (Very Noisy to Intolerable). To understand the increase or decrease in noise level, a 10 dB(A) increase in sound level is perceived as about twice as loud; a 10 dB(A) reduction in sound level is perceived as about half as loud; and noise level decreases by 6 dB(A) per doubling of distance. With the inclusion of a solid barrier screening private party areas and the proposed setbacks from the 11/19/2013 draft text, as provided in Table 1 (PH Draft Text/PC Proposed Text) above, are necessary to lessen the impact of the noise on adjacent properties and to ensure the required 55 dB(A) is achieved

In addition to the issues of noise impact, the additional setback reduces the visual impact (traffic, lighting, parked vehicles, permanent/temporary accessory structures,

portable toilets, etc.) of the private party areas from adjacent residential use. Staff further believes the adjacent neighbor that purchased a residential property in a residential neighborhood should have the equal ability to enjoy their property and should be provided the opportunity to comment on possible impacts that are not typically accessory to a residential use. Rather than outright reducing all setbacks, Staff believes that individual modifications of the setback requirements of the Additional Regulations which may be approved by the Board of Supervisors through the Minor Special Exception process would allow for greater public input and provide for a more thorough review process to address possible concerns.

4. Landscaping/Buffering/Screening

Existing Regulations. Currently, a Bed and Breakfast, Country Inn and Banquet/Event Facility must comply with Section 5-653(A) to landscape and screen the use and Section 5-653(B) to landscape and screen the parking areas.

Planning Commission Recommendation. The Planning Commission recommended revising the 11/19/2013 draft text to require Bed and Breakfast Homestay, Bed and Breakfast Inn, and Country Inn uses to comply with the landscaping and screening standards of Section 5-653(A) to screen outside private party areas from adjacent properties, regardless the size of adjacent property. The Planning Commission supported having the Bed and Breakfast Homestay, Bed and Breakfast Inn, and Country Inn uses comply with the landscaping and screening standards of Section 5-653(B) to landscape and screen the parking areas. The Planning Commission supported having the Banquet/Event Facility use comply with Section 5-653(A) to landscape and screen the use and Section 5-653(B) to landscape and screen the parking areas. The Planning Commission recommendations are consistent with the ZOAG's supported draft text. The current draft text [Attachment 1] has been revised to reflect the Planning Commission recommendations.

Staff Recommendation. Staff supports not requiring landscaping and screening of an existing principal structure from adjacent properties. Staff acknowledges that the view and impact of an existing principal structure already exists and that the visibility of the principal structure may be significant to a community or development and that thus, the screening of the structure may not be necessary. However, Staff recommends that all outside private party areas and accessory or new permanent/temporary structures intended for a Breakfast Homestay, Bed and Breakfast Inn, and Country Inn use comply with the landscaping and screening standards of Section 5-653(A) to reduce the impact (noise, visibility, lighting, etc.) to adjacent neighbors.

5. Roads/Access

Existing Regulations. Currently, a Bed and Breakfast and Country Inn is required to be located on a state maintained road and, if not located on a state maintained road, the applicant must provide a copy of a deed establishing an ingress/egress easement capable of supporting the use. Also, entrances to and exits from a state maintained road

are required to provide safe ingress/egress and be channeled to prevent unrestricted access. A Banquet/Event Facility is required to comply with the Road Access Standards of Section 5-654 and no more than two access points to a public road are permitted.

Planning Commission Recommendation. The Planning Commission recommended revising the 11/19/2013 draft text to require a Country Inn and Banquet/Event Facility to be located on a publicly maintained road and, if not located on a publicly maintained road, to require documentation demonstrating that the easement may be used to support the establishment which are the same requirements of a Bed and Breakfast Homestay and Bed and Breakfast Inn. The 11/19/2013 draft text proposed that a Country Inn and Banquet/Event Facility be located on a publicly maintained road. The Planning Commission supported that a Bed and Breakfast Inn, Country Inn and Banquet/Event Facility comply with the Road Access Standards of Section 5-654 and provide no more than two access points for the use. The Planning Commission recommended eliminating the 11/19/2013 draft text requiring entrances from and exits to publicly maintained roads shall provide safe ingress and egress for Bed and Breakfast Inn, Country Inn and Banquet/Event Facility. The Planning Commission recommendations are consistent with the ZOAG's supported draft text. The current draft text [Attachment 1] has been revised to reflect the Planning Commission recommendations.

Staff Recommendation. Staff supports the requirement for the Country Inn and Banquet/Event Facility to be located on a paved publicly maintained road. These uses are anticipated to provide a higher trip generation due to their daily functions. The smaller gravel surface roads in the County, which are often single lane and poorly maintained, are not designed to safely accommodate the traffic volume of the larger delivery vehicles needed to support these uses and the higher traffic volumes generated by such uses. A modification of any of the Additional Regulations, including the requirement to be located on a paved, publicly maintained road and the Road Access Standards, may be approved by the Board of Supervisors, through the Minor Special Exception process which allows public input and provides for a more thorough review process to address possible concerns on a case by case basis.

6. Noise Standard

Existing Regulations. Currently, the hours of operation for a Bed and Breakfast and Country Inn is related to outdoor music and is limited to the hours between 11 pm to 10 am on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, and between 10 pm and 10 am on Sunday through Thursday. The hours of operation for a Banquet/Event Facility is limited to 9:00 AM to 12:00 AM (midnight) and no outdoor music is allowed after 11:00 PM.

Planning Commission Recommendation. The Planning Commission recommended revising the 11/19/2013 draft text to require that no music or outside private parties shall be permitted between 12 am (midnight) and 7 am for a Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn and Banquet/Event Facility. The 11/19/2103 draft

text proposed no music or outdoor activities shall be permitted between 11 pm and 10 am on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, and between 10 pm and 10 am on any other day for a Breakfast Homestay, Bed and Breakfast Inn, and Country Inn and proposed no changes for the Banquet/Event Facility. The current draft text [Attachment 1] has been revised to reflect the Planning Commission recommendations.

Staff Recommendation. Staff recommends revising the 11/19/2013 draft text where no outdoor music or private parties, in excess of the permitted number of daily attendees, shall be permitted between 11 pm and 10 am on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, and between 10 pm and 10 am on any other day for a Breakfast Homestay, Bed and Breakfast Inn, and Country Inn. Other Section 5-600 Additional Regulations for Specific Uses, such as a Rural Retreats and Resorts, Small Businesses, Commercial Winery, Ag support Use, Animal Hospital, Fairground, Conference and Training Centers, Camp, Day and Boarding, Campgrounds, Outdoor Amphitheater, Antique Shop/Craft Shop, and Auction House do not allow outdoor music after 11:00 PM. Staff recommends that the current standards for a Banquet/Event Facility use be maintained to be consistent with the standards for other uses and to reduce the impact (noise, lighting, visibility, etc.) from adjacent properties.

7. Size of Use

Existing Regulations. Currently, the number of guest rooms is related to the minimum lot area for a Bed and Breakfast use. A minimum lot area of 5 acres (Level I small scale) allows 3-7 guest rooms and a minimum lot area of 10 acres (Level II medium scale) allows 8-10 guest rooms.

Planning Commission Recommendation. The Planning Commission recommended revising the 11/19/2013 draft text removing the relationship between the number of guest rooms and the minimum lot area for the Bed and Breakfast Inn. The Planning Commission recommended that the number of guest rooms shall not exceed 10 rooms and that the minimum lot area shall not exceed 5 acres

Staff Recommendation. Staff recommends retaining the 11/19/2013 draft text and the relationship between the number of guest rooms and the minimum lot area for the Bed and Breakfast Inn where a minimum lot area of 5 acres (Level I small scale) allows 1-7 guest rooms and a minimum lot area of 10 acres (Level II medium scale) allows 8-10 guest rooms.

Attachment 6 includes a detailed listing of each outstanding issue, including Staff and Planning Commission recommendations.

VIII. ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1210(D), Text Amendments, of the Revised 1993 Loudoun County Zoning Ordinance states "...for an amendment of the text of this Ordinance, the Planning Commission shall consider the following matters:"

Standard *Whether the proposed text amendment is consistent with the Comprehensive Plan.*

Analysis Comprehensive Plan guidance for the proposed zoning ordinance amendment is provided in the policies of the Revised General Plan (the Plan). The designated AR-1, AR-2, A-3, A-10, CR-1, CR-2, CR-3, CR-4, RC, JLMA-1, JLMA -2, JLMA-3, JLMA-20, TR-1, TR-2, TR-3, TR-10, PD-RV, R-1, and R-2 Zoning Districts generally correspond with the Rural and Transition Policy Areas identified in the Plan (*Revised General Plan, Chapter 7, Planned Land Use*). In general, as described in the October 10, 2013 Department of Planning Memorandum, the policies of the Revised General Plan are supportive of the expansion of hospitality service uses such as Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, and Banquet Facility/Event Facility, within the Rural Policy Area, Existing Villages, Town JLMAs and Transition Policy Area.

Standard *Whether the proposed text amendment is consistent with the intent and purpose of this Ordinance.*

Analysis The Goals, Purpose and Intent of the Zoning Ordinance is defined under Section 1-102 which states: "This Ordinance is enacted in order to promote the health, safety and welfare of the residents of Loudoun County and to implement the Loudoun County Comprehensive Plan." The Zoning Ordinance is designed, but not limited, to "guide and regulate the orderly growth, development and redevelopment of Loudoun County in accordance with a well-considered plan and with long-term objectives, principles and standards deemed beneficial to the interest and welfare of the people"; "protect the established character and the social and economic well-being of both private and public property"; "reduce or prevent congestion in the public street"; "encourage economic development activities..."; and "provide the preservation of agricultural and forestal land and other lands for the protection of the natural environment". There have been some concerns with the activities associated with a Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, and Banquet/Event Facility and the impacts to adjacent property owners (noise, light, visibility, distance, etc.) and the road system (access, traffic generation, adequacy of roads). Generally, the current draft text of ZOAM 2013-0008 is consistent with the intent and purpose of the Zoning Ordinance.

IX. RECOMMENDED TEXT

See Attachment 1 for the Planning Commission's recommended text amendments.

X. FISCAL IMPACT

The goal of ZOAM 2013-0008 is to encourage economic development that will result in increased revenue and the ability to reduce the tax burden on the citizens of Loudoun County.

There are several reclassification or designation revisions proposed by ZOAM 2013-0008 that will alter the process of obtaining approval to operate a Bed and Breakfast Inn, Country Inn, and Banquet/Event Facility use. As discussed in Attachments 4 and 5, the reclassification of a previous Special Exception use to a Minor Special Exception use or Permitted use or the reclassification of a previous Minor Special Exception use to a Permitted use will result in a loss of revenue because the fee for the submission of a Special Exception (SPEX) or Minor Special Exception (SPMI) land development application will no longer be received. Additionally, where a Bed and Breakfast Inn is proposed to be permitted by-right, only a sketch plan is required for land disturbance of less than 5,000 square feet as opposed to a Site Plan (STPL) or Rural Economy Site Plan (REST). Based on Loudoun County zoning permit records (after 1994) there are potentially 26 B&B type establishments (B&B Home Occupation, B&B Homestay, and B&B Inn), 4 Country Inn's, 2 Banquet/Event Facilities, and 2 Rural Retreats located within the County (outside of towns). *The current fee schedule lists: STPL, over 1 acre: \$7,605.00 + \$150.00 per acre; STPL, 1 acres or less: \$4,800.00 + \$95.00 per acre; REST: \$2300.00; SPEX: \$5,955.00, \$6,570.00, or \$15,750.00 depending on size of land disturbance; and SPMI: \$8,215.00.*

Currently, hosting private parties (weddings, receptions, private parties, meetings, and similar activities) at a Bed and Breakfast and Country Inn in excess of the maximum sleeping capacity of the facility may be held up to 10 times per calendar year. Each private party requires a temporary zoning (special event) permit in accordance with Section 5-500(C). Additional private parties, above the 10 allowed, may be held in accordance with Section 5-642, Banquet/Event Facility, with the approval of a Minor Special Exception. ZOAM 2013-0008 proposes that the private parties (recommended to increase from 10 to 15 per calendar year) be processed as a single zoning permit application/process which will result in a loss of revenue. *The current fee schedule lists: Zoning Permits: \$165.00 residential use and \$210.00 commercial use.*

Sufficient funding is included in the Department's existing budget for the necessary Staff time and resources to process applications of this type.

XI. ATTACHMENTS		
Attachment Number / Name		Page
1	Draft text dated February 18, 2014	A - 1
2	Copy Teste/Resolution of Intent to Amend dated October 16, 2013	A - 183
3	Referral Comments	
3a	Zoning Ordinance Action Group (ZOAG)	A - 191

3b	Building and Development, Engineering	A - 208
3c	Department of Planning, Comprehensive Planning	A - 209
3d	Department of Transportation and Capital Infrastructure, Transportation	A - 215
4	Reclassification and Additional Regulations Table	A - 217
5	Summary of Amendments	A - 219
6	Issues Matrix	A - 256

This Staff Report with attachments can be viewed online on the Loudoun Online Land Applications System (LOLA) at www.loudoun.gov or at the B&B, Country Inn, Banquet/Event Facility ZOAM website located at <http://www.loudoun.gov/index.aspx?NID=2985>.